

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-4317

James L. Brooks,

Appellant,

v.

Iowa Attorney General; Craig G.
Ensign, Worth County Magistrate
Judge; Dave Gentz, Sheriff Worth
County; Douglas A. Krull, Worth
County Attorney; Jon Stuart Scoles,
Esquire, 2nd Judicial District Judge,
Worth County; Louis A. Lavarato,
Justice, Supreme Court of Iowa; Dick's
Place Body & Tow; Randy Kunert,
Iowa State Trooper, Northwood, Iowa,

Appellees.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: December 15, 2000

Filed: December 20, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

James Brooks appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action. Brooks filed suit against several Iowa state officials and one private party, alleging various violations of his civil rights arising out of a traffic stop. After a careful review of the record and the parties' briefs, we conclude Brooks's claim that Iowa State Trooper Randy Kunert seized and detained him in violation of the Fourth Amendment was properly dismissed as barred by Heck v. Humphrey, 512 U.S. 477 (1994), because Brooks had no potential cause of action against Kunert until his traffic convictions were set aside. See Heck, 512 U.S. at 486-87 (to recover damages for allegedly unconstitutional conviction or imprisonment, plaintiff must prove conviction or sentence has been reversed on direct appeal, expunged, declared invalid, or called into question). Now that the Iowa appellate court has dismissed the traffic charges, Brooks may refile his claims against Kunert; we note, however, that the charges were not dismissed on the merits, but rather because the appeal had "become stale due to no fault of the defendant."

We reject the remainder of Brooks's arguments as meritless, and conclude his other claims were properly dismissed. Because we construe the district court decision as declining to exercise supplemental jurisdiction over the state law claims, the dismissal of those claims is without prejudice.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE MARK W. BENNETT, Chief Judge, United States District Court for the Northern District of Iowa.